I. LOCAL RULES OF CIVIL PROCEDURE

(Proposed Amendments Only)

LR Civ P 3.4. Local Filing Requirements

(a) Civil Docket Cover Sheet.

A civil docket cover sheet, in a form supplied by the clerk, must be completed and submitted with any complaint commencing an action or any notice of removal from state court. Each cover sheet must cite the title and section of the United States Code or relevant statute pursuant to which the action or notice is filed. A cover sheet is for administrative purposes only.

(b) State Court Docket Sheet.

When any notice of removal from state court is filed, the filing party must also attach to the notice of removal a copy of the docket sheet from the circuit court from which the case is being removed in addition to any other documents required by federal rule or statute.

LR Civ P 5.1. Filing Pleadings and Other Papers

(a) Filing of Papers.

Except as otherwise permitted or required by the Federal Rules, these local rules, or order, the original of all papers, not electronically filed, that must be filed with the court shall be filed at the clerk's office at the point of holding court in which the particular action or proceeding is docketed. In emergency situations, due to travel conditions, time limitations or other factors, filings may be made at any of the clerk's offices, in which event the papers so filed shall be forwarded by the receiving clerk's office to the clerk's office at the point of holding court in which the particular action or proceeding is docketed.

(b) Filing by Facsimile Transmission.

The clerk's office will not accept any facsimile transmission for filing unless ordered by the court.

(c) Filing by Electronic Means.

"Electronic Filing" means uploading a document directly from the filer's computer using the Court's Case Management/Electronic Filing System (CM/ECF) onto the case docket.

Pursuant to FR Civ P 5(d)(3), the clerk's office will accept pleadings or documents filed, signed or verified by electronic means that are consistent with the technical standards, if any, that the Judicial Conference of the United States establishes. A pleading or document filed by electronic means in compliance with this Rule constitutes a written paper for the purpose of applying these Rules and the Federal Rules of Civil Procedure. All electronic filings shall be governed by the court's Administrative Procedures for Electronic Case Filing, the provisions of which are incorporated by reference, and which may be amended from time to time by the court.

(d) Documents filed by an attorney must include the attorney's registration number. Attorneys who are licensed in West Virginia must provide their West Virginia license number as their attorney-registration number. Visiting Attorneys licensed in a state other than West Virginia must provide the state of licensure and the license number as their attorney-registration number.

(e) Service of Documents through the Court's Electronic Transmission Facilities: A party may serve a paper under FR Civ P 5(b)(2)(E) by using the court's electronic transmission facilities in accordance with the court's Administrative Procedures for Electronic Case Filing. If a document is served electronically, the notice of electronic filing generated by the court's electronic transmission facilities constitutes a certificate of service with respect to those persons to whom electronic notice of the filing is sent, and no separate certificate of service need be filed with respect to those persons.

Because the electronic notification also identifies parties and/or attorneys that are NOT registered users of the system, the filer is responsible for serving copies of pleadings on unregistered users by other means. **A certificate of service should be electronically filed with the Court anytime a document must be served by other than electronic means.**

LR Civ P 7.1. Motion Practice

(a) Motions and Supporting Memoranda.

(1) General. All motions shall be concise, state the relief requested precisely, and be filed timely but not prematurely. Copies of depositions (or pertinent portions thereof), admissions, documents, affidavits, and other such materials or exhibits upon which the motion relies shall be attached to the motion, not the supporting memorandum.

(2) Length. A memorandum of not more than 20 pages in length must accompany the following types of motions: (1) to intervene; (2) to transfer; (3) to vacate; (4) to reconsider; (5) for rehearing; (6) for attorney fees; (7) for clarification; (8) to realign parties; (9) to consolidate; (10) to recuse; (11) to dismiss; (12) to remand; (13) for summary judgment; (14) for sanctions; (15) for default judgment; (16) for declaratory judgment; (17) to compel arbitration; (18) for injunctive relief or for a temporary restraining order; (19) for a new trial, to reconsider or to alter or amend judgment; (20) to reinstate or reopen a civil action; (21) to substitute a party; (22) to stay; (23) to seal; or (24) to show cause.

In addition to these motions, the court has discretion to direct a movant to submit a memorandum to accompany any other type of motion. If a movant deems appropriate, a memorandum of not more than 20 pages in length may accompany any other type of motion even if not required by this rule or the court. Any response and reply memoranda shall adhere to the same page limitation.

Motions to exceed the page limitation will be denied absent a showing of good cause.

If a memorandum is not submitted as required by this rule or by the court, the motion will be denied without prejudice.

(3) Paper Size, Line Spacing and Margins. All memoranda must be on 8½ by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(4) Typeface and Type Styles. Either a proportionally spaced or monospaced face may be used. A proportionally spaced face must be 12-point or larger. A monospaced face may not contain more than 10½ characters per inch. The font must be clearly legible as determined by the judicial officer to whom the motion is addressed. The following fonts are presumed legible: Times New Roman, Courier New, Arial, Century Gothic, Garamond, Georgia, and Century Schoolbook.

(5) Courtesy Copies of Memoranda. When electronically filing documents with the clerk's office, a paper courtesy copy to the assigned judicial officer is not required except where any motion, memorandum, response, or reply, together with documents in support thereof, is 50 pages or more in length, or where any administrative record is 75 pages or more in length.

(6) Motions to Dismiss. Motions to dismiss shall be filed as a separate pleading.

(7) Filing Deadlines for Response and Reply Memoranda. Memoranda and other materials in response to motions shall be filed and served on opposing counsel and unrepresented parties within 14 days from the date of service of the motion. Any reply memoranda shall be filed and served on opposing counsel and unrepresented parties within 7 days from the date of service of the memorandum in response to the motion. Surreply memoranda shall not be filed except by leave of court. These times for serving memoranda may be modified by the judicial officer to whom the motion is addressed.

(8) Referral to Magistrate Judge. Non-dispositive discovery and pretrial motions relating to discovery practice are referred to a magistrate judge unless otherwise ordered by the district judge assigned to the case. All other non-dispositive motions and any dispositive motion may be referred to a magistrate judge by the district judge assigned to the case.

(9) Courtroom Technology: If any courtroom technology is required for a hearing, counsel must request any such technology by filing a certification that the court's technology staff has been notified. The certification regarding such notification shall be filed with the clerk no later than 7 days before the scheduled commencement of the hearing.

LR Civ P 16.1. Scheduling Conferences

(a) Order and Notice.

By entry of an Order and Notice, a judicial officer shall establish the date, time, and place of the scheduling conference, and inform the parties of their right to consent to proceed before a magistrate judge under FR Civ P 73(b). The clerk shall transmit a notice of the conference to all counsel then of record and to each then unrepresented party for whom an address is available from the record. The notice shall also establish the date by which a meeting of the parties must be held pursuant to FR Civ P 26(f) and paragraph (b) of this rule, and the date by which a written report on the meeting of the parties must be submitted to the court pursuant to FR Civ P 26(f) and paragraph (c) of this rule.

(b) Obligation of the Parties to Meet.

The parties shall, as soon as practicable and in any event at least 21 days before the date set for the scheduling conference, meet in person or by telephone to discuss and report on all FR Civ P 16 and 26(f) matters, and to:

(1) consider, consistent with paragraph (d) of this rule, whether the case is complex and appropriate for monitoring in an individualized and case-specific manner through one or more case-management conferences, and, if it is, to propose for the court's consideration 3 alternative dates and times for the first conference;

(2) agree, if they can, upon the disputed facts that have been alleged with particularity in the pleadings;

(3) consider consenting to trial by a magistrate judge;

(4) consider alternative dispute resolution processes such as the one in LR Civ P 16.6; and

(5) in cases involving the discovery of electronically stored information ("ESI"), address matters set forth in LR Civ P 26.5(c).

Counsel and all unrepresented parties who have appeared in the case are jointly responsible for arranging and being present or represented at the meeting, agreeing on matters to be considered at the scheduling conference, and considering a prompt settlement or resolution of the case.

(c) Written Report on the Meeting of the Parties; Cancellation of Scheduling Conference.

Counsel and all unrepresented parties who were present or represented at the meeting are jointly responsible for submitting to the court, no later than 14 days before the date set for the scheduling conference, a written report on their meeting. The written report submitted by the parties shall follow a form available from the clerk and on the court's web site.

In the report on the meeting, any matters on which the parties differ shall be set forth separately and explained. The parties' proposed pretrial schedule and plan of discovery and disclosures shall advise the court of their best estimates of the time needed to accomplish specified pretrial steps.

The parties' report on their meeting shall be considered by the judicial officer as advisory only. If, after the date fixed for filing the written report, the judicial officer determines that the scheduling conference is not necessary, it may be cancelled and the scheduling order may be entered.

(d) Conduct of Scheduling Conferences.

Except in a case in which a scheduling conference has been cancelled pursuant to paragraph (c) of this rule, a judicial officer shall convene a scheduling conference, which may be held by telephone, within the mandatory time frame specified in paragraph (a) of this rule regardless of whether the parties have met pursuant to paragraph (b) of this rule or filed a written report pursuant to paragraph (c) of this rule.

At the scheduling conference, the judicial officer shall consider any written report submitted by the parties and discuss with them time limits and other matters they were obligated to consider in their meeting and that may be addressed in the scheduling order.

At or following the scheduling conference if one is held, or as soon as practicable after the date fixed for filing the written report if the scheduling conference is cancelled, the judicial officer shall determine whether the case is complex or otherwise appropriate for careful and deliberate monitoring in an individualized and case-specific manner. The judicial officer shall consider assigning in the scheduling order any case so categorized to a case-management conference or series of conferences under LR Civ P 16.2. If the case is so assigned, the scheduling order, notwithstanding paragraph (e) of this rule, may be limited to establishing time limits and addressing other matters that should not await the first case-management conference. The factors to be considered by the judicial officer in determining whether the case is complex include:

(1) the complexity of the issues, the number of parties, the difficulty of the legal questions and the uniqueness of proof problems;

(2) the amount of time reasonably needed by the parties and their attorneys to prepare the case for trial;

(3) the judicial and other resources required and available for the preparation and disposition of the case;

(4) whether the case belongs to those categories of cases that involve little or no discovery,

(A) ordinarily require little or no additional judicial intervention, or

(B) generally fall into identifiable and easily managed patterns;

(5) the extent to which individualized and case-specific treatment will promote the goal of reducing cost and delay; and

(6) whether the public interest requires that the case receive more intense judicial attention.

(e) Scheduling Orders.

Following the scheduling conference, if one is held, or as soon as practicable after the date fixed for filing the written report if the scheduling conference is cancelled, but in any event within 90 days after the appearance of a defendant and within 120 days after the complaint has been served on a defendant, the judicial officer shall enter a scheduling order pursuant to FR Civ P 16(b).

(f) Modification of Scheduling Order.

(1) Time limits in the scheduling order for the joinder of other parties, amendment of pleadings, filing of motions, and completion of discovery, and dates for conferences before trial, a final pretrial conference, and trial may be modified for good cause by order.

(2) Subject to subparagraph (3), stipulations to modify disclosure or discovery procedures or limitations will be valid and enforced if they are in writing, signed by the parties making them or their counsel, filed promptly with the clerk, and do not affect the trial date or other dates and deadlines specified in subparagraph (1).

(3) A private agreement to extend discovery beyond the discovery completion date in the scheduling order will be respected by the court if the extension does not affect the trial date or other dates and deadlines specified in subparagraph (1). A discovery dispute arising from a private agreement to extend discovery beyond the discovery completion date need not, however, be resolved by the court.

(g) Categories of Actions Exempted.

In addition to those actions and proceedings identified in FR Civ P 81 to which the Federal Rules of Civil Procedure do not apply, the following categories of actions are exempted from the requirements of FR Civ P 16(b), 26(a)(1)-(4) and 26(f), and of the Local Rules of Civil Procedure relating thereto unless otherwise ordered:

(1) habeas corpus cases and motions attacking a federal sentence;

(2) procedures and hearings involving recalcitrant witnesses before federal courts or grand juries pursuant to 28 U.S.C. § 1826;

(3) actions for injunctive relief;

(4) review of administrative rulings;

(5) Social Security cases;

(6) ~~prisoner~~ petitions pursuant to 42 U.S.C. § 1983 and "Bivens-type" actions in which plaintiff is unrepresented by counsel;

(7) condemnation actions;

(8) bankruptcy proceedings appealed to this court;

(9) collection and forfeiture cases in which the United States is plaintiff and the defendant is unrepresented by counsel;

(10) Freedom of Information Act proceedings;

(11) certain cases involving the assertion of a right under the Constitution of the United States or a federal statute, if good cause for exemption is shown;

(12) post-judgment enforcement proceedings and debtor examinations;

(13) enforcement or vacation of arbitration awards;

(14) civil forfeiture actions;

(15) student loan collection cases;

(16) actions which present purely legal issues, require no resolution of factual issues, and which may be submitted on the pleadings, motions and memoranda of law; and

(17) actions filed pursuant to the Employment Retirement Income Security Act (ERISA), 29 U.S.C. § 1001 *et seq.*; and

(18) such other categories of actions as may be exempted by standing order.

LR Civ P 16.3. Pretrial Conferences in Non-Complex Cases

Abrogated.

LR Civ P 16.6. Mediation

Abrogated.

LR Civ P 26.4 Clawback Orders, Protective Orders, and Sealed Documents

(a) Clawback Orders.

At the court's request, or if the parties jointly agree to the entry of an order governing the clawback of privileged or protected materials that are inadvertently disclosed, the parties should complete and submit the following order, which is preferred by the court: Order Governing the Inadvertent Disclosure of Documents and Materials, available online at www.wvsd.uscourts.gov. Motions seeking to modify the provisions of the court's clawback order should be made sparingly and only for good cause.

(b) Protective Orders.

To succeed on a motion for the entry of a protective order shielding information from dissemination, the movant or movants must demonstrate with specificity that (1) the information qualifies for protection under FR Civ P 26(c), and (2) good cause exists for restricting dissemination on the ground that harm would result from its disclosure. When filing a joint motion for the entry of a protective order, the movants shall complete and submit with the motion the court's online Protective Order found at www.wvsd.uscourts.gov. The court's online Protective Order is the preferred protective order in this district. Therefore, motions requesting modifications to the provisions of the court's Protective Order should be made sparingly and only for good cause.

(c) Sealed Documents.

(1) General. The rule requiring public inspection of court documents is necessary to allow interested parties to judge the court's work product in the cases assigned to it. The rule may be abrogated only in exceptional circumstances.

(2) Submission. Unless otherwise authorized by law, a motion to seal shall be filed electronically pursuant to the Administrative Procedures for Electronic Case Filing and accompanied by a memorandum of law which contains:

(A) the reasons why sealing is necessary, including the reasons why alternatives to sealing, such as redaction, are inadequate;

(B) the requested duration of the proposed seal; and

(C) a discussion of the propriety of sealing, giving due regard to the parameters of the common law and First Amendment rights of access as interpreted by the Supreme Court and our Court of Appeals.

(3) Counsel and parties are advised to refer to § 12 of the Administrative Procedures for the CM/ECF system.

LR Civ P 26.5 Discovery of Electronically Stored Information

(a) Prior to a Rule 26(f) conference, each party shall individually assess the likelihood that its ESI will play a role in discovery. When a party in possession of ESI reasonably anticipates, or should anticipate, that its ESI will play a significant role, the party shall complete the following tasks for discussion at the Rule 26(f) conference:

(1) determine how and where its ESI is stored; how it has been or can be preserved, accessed, retrieved, and produced; and any other issues to be discussed at the Rule 26(f) conference including the issues set forth in subparagraph (c) below; and

(2) identify a person or persons with knowledge about the ESI, with the ability to facilitate, through counsel, the preservation and discovery of ESI.

(b) At the Rule 26(f) conference, counsel shall meet and confer about:

(1) the steps the parties have taken to preserve ESI;

(2) the anticipated scope of ESI discovery and the search protocol for locating responsive ESI, including methods to filter the data, such as using search terms or date ranges;

(3) procedures to deal with inadvertent production of privileged information;

(4) accessibility of ESI, including but not limited to the accessibility of back-up, deleted, archival, or historic legacy data;

(5) the media, format and procedures for preserving and producing ESI;

(6) allocation of costs of preservation, production, and restoration (if possible and/or necessary) of any ESI;

(7) the need for a designated resource person through who all issues relating to the preservation and production of ESI should be addressed;

(8) the need for an Order setting out the ESI protocol; and

(9) any other issues related to the discovery of ESI.

LR Civ P 37.1. Discovery Disputes

(a) Objections to Disclosures or Discovery.

Objections to disclosures or discovery that are not filed within the response time allowed by the Federal Rules of Civil Procedure, the scheduling order(s), or stipulation of the parties pursuant to FR Civ P 29, whichever governs, are waived unless otherwise ordered for good cause shown. Objections shall comply with FR Civ P 26(g) and any claim of privilege or objection shall comply with FR Civ P 26(b)(5).

(b) Duty to Confer.

Before filing any discovery motion, including any motion for sanctions or for a protective order, counsel for each party shall make a good faith effort to confer in person or by telephone to narrow the areas of disagreement to the greatest possible extent. It shall be the responsibility of counsel for the moving party to arrange for the meeting.

(c) Motions to Compel.

A motion to compel disclosure or discovery must be accompanied by a statement setting forth verbatim each discovery request or disclosure requirement and any response thereto to which an exception is taken. In addition, the movant may include a statement of the grounds and pertinent authorities relied upon and shall file such a statement if requested by the court. If the discovery request or disclosure requirement is ignored, the movant need only file a motion to compel without setting forth verbatim the discovery request or disclosure requirement. Motions to compel or other motions in aid of discovery not filed within 30 days after the discovery response or disclosure requirement was due are waived, and in no event provide an excuse, good cause or reason to delay trial or modify the scheduling order. The 30-day deadline may be extended by court order for good cause shown, or by stipulation of the parties, so long as the extension does not interfere with the scheduling order. Any such stipulation must be filed pursuant to LR Civ P 11.2.

(d) Telephonic Conferences During Discovery Events.

If a dispute arises during a discovery event, the parties must attempt in good faith to resolve the matter without judicial intervention. If a good faith conferral fails to resolve the dispute and if its disposition during the discovery event is likely to result in savings of substantial time and expense, a party or counsel may contact the chambers' staff of the magistrate judge to whom the case is assigned to request a telephone conference during the discovery event.

LR Civ P 47.1. Trial Juries

(a) Examination of Prospective Jurors.

The judicial officer shall conduct the examination of prospective jurors called to serve in civil actions. In conducting the examination, the judicial officer shall identify the parties and their respective counsel and briefly outline the nature of the action. The judicial officer shall interrogate the jurors to elicit from them whether they have any prior knowledge of the case and what connections they may have, if any, with the parties or their attorneys. Inquiries directed to the jurors shall embrace areas and matters designed to discover basis for challenge for cause, to gain knowledge enabling an intelligent exercise of peremptory challenges, and to ascertain whether the jurors are qualified to serve in the case on trial. The judicial officer may consult with the attorneys, who may request or suggest other areas of juror interrogation. To the extent deemed proper, the judicial officer may then supplement or conclude his or her examination of the jurors.

(b) Jury Lists.

Names of jurors drawn for jury service from the court's qualified jury wheel may be disclosed only in accordance with the court's Jury Selection Plan. Jury lists prepared by the clerk shall be made available to counsel and unrepresented parties as provided in the Jury Selection Plan.

LR Civ P 54.1. Fees and Costs

Fees and costs shall be taxed and paid in accordance with the provisions of 28 U.S.C. §§ 1911-1929, and other controlling statutes and rules. If costs are awarded, the reasonable premiums or expenses paid on any bond or other security given by the prevailing party shall be taxed as part of the costs.

The prevailing party shall prepare a bill of costs within 30 days after entry of the final judgment on the form supplied by the clerk. The bill of costs shall contain an itemized schedule of the costs and a statement signed by counsel for the prevailing party that the

schedule is correct and the charges were actually and necessarily incurred. The original of the bill of costs shall be filed with the clerk and a copy served on counsel for the adverse party or on the unrepresented adverse party.

Specific objections to any item of costs filed by the prevailing party shall be filed within 14 days after service of a bill of costs. Any response to the objections shall be filed within 7 days of service of the objections. The clerk shall assess costs based on the papers submitted.

LR Civ P 65.1.1. Approval of Bonds by the Clerk

(a) General Requirements. Every bond must be executed by the principal obligor and, if applicable, one or more sureties qualified as provided in this rule.

(b) Corporate Sureties.

(1) A corporate surety must be qualified to write bonds under 31 U.S.C. §§ 9301–9309 and approved by the Secretary of the Treasury of the United States.

(2) The representative of the corporate surety that signs the bond must attach to the bond a power of attorney that establishes the representative's authority to bind the corporate surety.

(c) Real-Property Bond.

(1) A person may serve as a surety on a real-property bond only by court order. A person seeking permission to serve as a surety on a real property bond must:

(A) offer as security real property located in the State of West Virginia, or other property as approved by a judge of this court, of an unencumbered value equal to or greater than the stated amount of the bond;

(B) be competent to convey the real property; and

(C) submit an affidavit and supporting documents including: (i) a legal description of the real property; (ii) a complete list of all encumbrances and liens on the real property; (iii) a current appraisal of the real property by a qualified appraiser; (iv) a waiver of inchoate rights; (v) a certification that the real property is not exempt from execution; and (vi) proof of payment of property taxes.

(2) Within 14 days after the court approves the real-property bond, the surety must file with the court a copy of a notice of encumbrance filed by the surety with the county recorder or registrar of titles that identifies the bond as an encumbrance on the real property.

(3) A real-property bond will be released only by court order.

(d) Cost Bonds. The court may, on motion or on its own, order a party to file a bond or other security for costs in an amount, and subject to conditions, specified by the court.

(e) Cash bonds. Deposit of cash bonds is governed by LR 67.1. Withdrawal of cash bonds is governed by LR 67.2.

(f) Objections. Any party may object to the issuance of a bond.

(g) All bonds must receive court approval.

LR Civ P 67.1. Deposits Pursuant to FR Civ P 67

(a) Court Order Required. A party may deposit money into the court registry only by court order. A party seeking to deposit money into the court registry under FR Civ P 67(a) must file and serve a motion requesting an order permitting the deposit.

(b) Any order obtained by a party that directs the clerk to invest funds pursuant to 28 U.S.C. § 2041 shall provide for payment by check made payable to the Clerk, United States District Court, for deposit in a renewable time certificate, treasury bill, passbook savings account, or other secure instrument.

(c) In accordance with FR Civ P 67, funds paid to the clerk for deposit into the court's registry shall be placed in an interest-bearing account or instrument as ordered, and shall remain so deposited pending disposition by subsequent court order.

LR Civ P 67.2. Withdrawal of Money from the Court Registry

(a) Court Order Required. A party may withdraw money from the court registry only be court order. A party seeking to withdraw money from the court registry must file and serve a motion requesting an order permitting the withdrawal and specifying whether the moving party is seeking withdrawal before the expiration of the 14-day automatic stay imposed under FR Civ P 62(a). The proposed order should specify: (i) the name of each payee; (ii) the amount of money to be disbursed to

each payee; and (iii) the percentage of accrued interest to be disbursed to each payee, if applicable.

(b) The party must complete a Withdrawal Payee Information form that is available from the clerk and electronically on the court's website at www.wvsd.uscourts.gov. The social security number information collected by the clerk on the form is provided to the depository institution pursuant to Title 26 of the United States Code and Internal Revenue service regulations, as a condition of the release of said funds. This information is used for administrative purposes only and will be kept confidential. The withdrawal Payee Information form will not be filed on the court's ECF system.

(c) Fees. A charge for the handling of registry funds deposited with the court will be assessed from the interest earnings in accordance with the fee schedule issued by the Director of the Administrative Office of the United States. Funds that are invested through the Court Registry Investment System will also be assessed an investment services fee from the interest earnings in accordance with the District Court Miscellaneous Fee Schedule.

LR Civ P 78.1. Hearing on Motions

The judicial officer may require or permit hearings on motions, and the hearings may be by telephone or other electronic means.

LR Civ P 83.1. Admission of Attorneys

(a) Admission as Member of Bar or Court.

Any person who is admitted to practice before the Supreme Court of Appeals of West Virginia and who is in good standing as a member of its bar, is eligible for admission as a member of the bar of this court. An eligible attorney may be admitted as a member of the bar of this court upon motion of a member (Sponsoring Attorney) who shall sign the register of attorneys with the person admitted. If the motion for admission is granted, the applicant shall take the attorney's admission oath or affirmation, sign the attorneys' register, and pay the clerk the admission fee. Once admitted under this provision, the person need not have an office for the practice of law in West Virginia to appear and practice in this court.

Any person who has been subject to disciplinary suspension or disbarment by the West Virginia Supreme Court of Appeals but has been readmitted to practice by the Supreme Court and is in good standing as a member of its bar, is eligible for re-admission as a member of the bar of this court. The attorney may be re-admitted as

a member of the bar of this court upon motion of a member (Sponsoring Attorney) who shall sign the register of attorneys with the person re-admitted. If the motion for re-admission is granted, the applicant shall take the attorney's admission oath or affirmation, sign the attorney's register, and pay the clerk the admission fee

(b) Sponsorship of Visiting Attorneys by Members of Court.

The Sponsoring Attorney must be a member of the bar of this court, have an office for the practice of law in West Virginia, and practice law primarily in West Virginia.

(c) Appearance by Assistant United States Attorneys and Assistant Federal Public Defenders.

Any attorney employed by the United States Attorney or the Federal Public Defender for this judicial district must qualify as a member of the bar of this court within one year of his or her employment. Until so qualified, the attorney may appear and practice under the sponsorship of the appointing officer.

(d) Appearance by Federal Government Attorneys.

Federal government attorneys who are not members of the bar of this court need not complete the Statement of Visiting Attorney. In cases where the United States Attorney is associated with other government attorneys in proceedings involving the Federal government, the United States Attorney (except in student loan collection cases), in addition to other Federal government attorneys, shall sign all pleadings, notices, and other papers filed and served by the United States. All pleadings, notices, and other papers involving the Federal government may be served on the United States Attorney in accordance with the service requirements of the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

LR Civ P 83.2. Legal Assistance by Law Students

(a) Written Consent.

With the written consent of an indigent and his or her attorney of record, an eligible law student may appear on behalf of that indigent. With the written consent of the United States Attorney or his or her representative, an eligible law student may also appear on behalf of the United States. With the written consent of the Federal Public Defender, an eligible law student may appear on behalf of the Federal Public Defender. With the written consent of the Attorney General of the State of West Virginia or his or her representative, an eligible law student may also appear on

behalf of the State of West Virginia. In each case in which an eligible law student appears, the consent shall be filed with the clerk.

(b) Responsibilities of Attorneys of Record.

An eligible law student may assist in the preparation of pleadings, briefs, and other documents to be filed in this court, but such pleadings, briefs, or documents must be signed by the attorney of record. An eligible law student may also participate in hearings, trials, and other proceedings with leave of court, but only in the presence of the attorney of record. The attorney of record shall assume personal professional responsibility for the law student's work. The attorney of record shall be familiar with the case and be prepared to supplement or correct any written or oral statement made by the law student.

(c) Eligibility Requirements.

To be eligible to appear pursuant to this rule, the law student must:

(1) be enrolled in a law school approved by the American Bar Association;

(2) have successfully completed legal studies for at least 4 semesters, or the equivalent if the school is on some basis other than a semester basis;

(3) be certified by the dean of his or her law school as being of good character and competent legal ability. The dean's certification shall be filed with the clerk. This certification may be withdrawn by the dean at any time without notice or hearing and without any showing of cause by notifying the clerk in writing, or it may be terminated by the court at any time without notice of hearing and without any showing of cause. Unless withdrawn or terminated, the certification shall remain in effect for 18 months after it has been filed with the clerk or until the law student has been admitted as a permanent member of the bar of this court, whichever is earlier;

(4) certify in writing to the clerk that he or she has read the Code of Professional Conduct of the American Bar Association, the Rules of Professional Conduct and the Standards of Professional Conduct promulgated and adopted by the Supreme Court of Appeals of West Virginia, and the Model Rules of Professional Conduct published by the American Bar Association;

(5) be introduced to the court by a permanent member of the bar of this court; and

(6) neither ask for nor receive any compensation or remuneration of any kind for services from the party assisted, but this shall not prevent an attorney,

legal services program, law school, public defender agency, the State of West Virginia, or the United States from paying compensation to the law student, nor from making appropriate charges for such services.

LR Civ P 83.4. Withdrawal and/or Termination of Representation

An attorney may withdraw from a case in which he or she has appeared only as follows:

(a) By Notice of Withdrawal. A party's attorney may withdraw from a case by filing and serving a notice of withdrawal, effective upon filing, if:

(1) multiple attorneys have appeared on behalf of the party; and

(2) at least one of those attorneys will still be the party's counsel of record after the attorney seeking to withdraw does so.

(b) By Notice of Withdrawal and Substitution. A party's attorney may withdraw from a case by filing and serving a notice of withdrawal and substitution, effective upon filing, if the notice includes:

(1) the withdrawal and substitution will not delay the trial or other progress of the case; and

(2) the notice is filed and served at least 90 days before trial.

(c) By Motion. An attorney who seeks to withdraw other than under LR Civ P 83.4(a) or (b) must move to withdraw and must show good cause.

(d) No attorney may withdraw after appearing in a case except after notice has been served on the affected client.

LR Civ P 83.7. Codes of Professional Conduct

In all appearances, actions and proceedings within the jurisdiction of this court, attorneys shall conduct themselves in accordance with the Rules of Professional Conduct and the Standards of Professional Conduct promulgated and adopted by the Supreme Court of Appeals of West Virginia, and the Model Rules of Professional Conduct published by the American Bar Association.

LR Civ P 83.15. Courthouse Security

(a) Entry of Federal Courthouse Buildings.

All persons wishing to enter a federal building housing a United States Court within the Southern District of West Virginia (the building) must first properly clear the security screening post located in the main lobby at each facility. Court security officers staff the security screening post during normal business hours. The purpose for the security screening post is to ensure that no weapons, including guns, knives, explosives or other items that are deemed to be a possible weapon, are brought into the building. Any person refusing to submit to such inspection, including inspection of all carried items, shall be denied entrance to the building.

(b) Persons Requiring Access.

All persons, other than those who are stationed in the building, having business in the building (i.e. contractors, work crews, repair persons) shall enter and leave the court facilities through the designated screening posts. Persons needing to use other entrances must make arrangements with court security prior to bypassing the screening posts. Workers seeking to work after hours must obtain prior approval from the appropriate officials. The court security officers are charged with the enforcement of these regulations.

(c) Weapons.

The United States Marshal and Deputy United States Marshals may possess and oversee possession of firearms or other weapons in the building. Only members of the United States Marshals Service and those specifically designated by that service may possess firearms and other weapons in the space occupied and controlled by this court.

(d) Identification Card.

All employees will use an identification card issued by the employee's agency. Employees will be required to display or show the identification card to the court security officers to pass through the security screening post. If an employee fails to present their issued identification card, he or she must successfully pass through the security screening post.

(e) Wireless Communication Devices.

Only attorneys, court reporters and court interpreters conducting official business in a federal courthouse in this District are permitted limited use of wireless communication devices. Audio or video recording or the taking of any

photographs with such devices while in the courthouse is prohibited. Wireless communication devices must be turned off or rendered silent while in a courtroom.

Any other individual who brings a wireless communication device into a federal courthouse in this District, excepting federal employees, elevator response personnel and PBX telephone technicians, will be required by the court security officers to deposit such device in storage facilities as provided at the front entry of the building, to be retrieved upon leaving the courthouse.

Appropriate signage will be posted outside the courthouse and at the security posts, published on the court's external web site and in notices provided to jurors.

The court authorizes the United States Marshal to allow wireless communication devices for emergency situations as deemed appropriate.